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		HARNESS, DICKEY & PIERCE, P.L.C.	UHLENHAKE, JASON S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/806,031	HIGUCHI ET AL.	
Examiner	Art Unit		
Jason Uhlenhake	2853		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 July 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4-11 and 16-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-2, 4-11, 16-29 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 23, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (U.S. Pat. 5,731,826) in view of Usui et al (U.S. Pub. 2002/0170353) and Shinkawa (U.S. Pub. 2005/0128232)

Hirano discloses:

- ***regarding claim 1***, droplet ejection apparatus having a driving circuit (54) (Column 19, Lines 3 – 7; 21 – 30) and a plurality of droplet ejection heads (Column 5, Lines 33 – 37)
 - droplet ejection heads include a cavity (323d) filled with a liquid, a nozzle (323c) communicated with the cavity (Figures 6, 16A, 16B)
 - ejection failure detecting and recovery processing determining means which detects a residual vibration of the diaphragm at least when the apparatus is powered on (Column 3, Lines 20 – 30; Column 7, Lines 32 – 40)
 - recovery means for carrying out the recovery processing determined by the ejection failure detecting and recovery processing determining means (Column 10, Lines 60 – 67; Column 24, Lines 1 - 7)

- detects an ejection failure of the droplet ejection heads on the basis of a vibration pattern of the detected residual vibration of the diaphragm and determines recovery processing for eliminating ejection failure (Column 3, Lines 20 – 30; Column 7, Lines 32 – 40)

- ***regarding claim 2***, ejection failure detecting and recovery processing determining means (Column 10, Lines 60 – 67; Column 24, Lines 1 - 7) detects the ejection failure of the droplet ejection heads on the basis of a vibration pattern (Column 3, Lines 20 – 30; Column 7, Lines 32 – 40)

Hirano does not disclose expressly:

- ***regarding claim 1***, an actuator driven by the driving circuit and a diaphragm displaced by the actuator

- the ejection failure detecting and recovery processing determining means judges that: an air bubble has intruded into the cavity in the case where the cycle of the residual vibration of the diaphragm is shorter than a predetermined range of cycle; the liquid in the vicinity of the nozzle has thickened due to drying in the case where the cycle of the residual vibration of the diaphragm is longer than a predetermined threshold; and paper dust is adhering in the vicinity of the outlet of the nozzle in the case where the cycle of the residual vibration of the diaphragm is longer than the predetermined range of cycle and shorter than the predetermined threshold.

- ***regarding claim 2***, vibration pattern of the residual vibration of the diaphragm when the actuator is driven by the driving circuit to such an extent that a droplet is not ejected

- ***regarding claim 23***, the actuator includes a piezoelectric actuator having a piezoelectric element and using a piezoelectric effect of the piezoelectric element
- ***regarding claim 27***, droplet ejection apparatus includes an ink jet printer

Usui et al discloses:

- ***regarding claim 1***, an actuator (106) driven by the driving circuit and a diaphragm displaced by the actuator (Paragraph 0169), for the purpose of printing more stability and reliably.

- ***regarding claim 2***, vibration pattern of the residual vibration of the diaphragm when the actuator is driven by the driving circuit (Paragraphs 0107, 0169) to such an extent that a droplet is not ejected (Paragraph 0027; liquid held inside opening cavity), for the purpose of reliably detecting a liquid consumption status.

- ***regarding claim 23***, the actuator includes a piezoelectric actuator having a piezoelectric element and using a piezoelectric effect of the piezoelectric element (Paragraphs 0009, 0161), for the purpose of printing more stability and reliably.

- ***regarding claim 27***, droplet ejection apparatus includes an ink jet printer (Paragraph 0003), for the purpose of performing the operation of the droplet ejection apparatus.

Shinkawa discloses

- ***regarding claim 1***, the ejection failure detecting and recovery processing determining means judges that: an air bubble has intruded into the cavity in the case where the cycle of the residual vibration of the diaphragm is shorter than a predetermined range of cycle; the liquid in the vicinity of the nozzle has thickened due

to drying in the case where the cycle of the residual vibration of the diaphragm is longer than a predetermined threshold; and paper dust is adhering in the vicinity of the outlet of the nozzle in the case where the cycle of the residual vibration of the diaphragm is longer than the predetermined range of cycle and shorter than the predetermined threshold.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of an actuator driven by the driving circuit and a diaphragm displaced by the actuator; vibration pattern of the residual vibration of the diaphragm when the actuator is driven by the driving circuit to such an extent that a droplet is not ejected; vibration pattern of the residual vibration of the diaphragm includes a cycle of the residual vibration; the actuator includes a piezoelectric actuator having a piezoelectric element and using a piezoelectric effect of the piezoelectric element; droplet ejection apparatus includes an ink jet printer as taught by Usui et al and Shinkawa into the device of Hirano. The motivation for doing so would have been to print more stability and reliably, perform the operation of the droplet ejection apparatus, and to reliably detect a liquid consumption status.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (U.S. Pat. 5,731,826) as modified by Usui et al (U.S. Pub. 2002/0170353) and Shinkawa (U.S. Pub. 2005/0128232), as applied to claim 1 above, and further in view of Yamaguchi et al (U.S. Pat. 5,379,061).

Hirano as modified by Usui et al, and Shinkawa discloses all the claimed limitations except for the following:

- ***regarding claim 4***, the ejection failure detecting and recovery processing determines the recovery processing for eliminating the cause of the ejection failure of the droplet ejection heads according to the cause of the ejection failure in the case where the ejection failure of the droplet ejection heads is detected

Yamaguchi et al discloses:

- ***regarding claim 4***, the ejection failure detecting and recovery processing determines the recovery processing for eliminating the cause of the ejection failure of the droplet ejection heads according to the cause of the ejection failure in the case where the ejection failure of the droplet ejection heads is detected (Abstract; Column 2, Lines 13 – 43), for the purpose of maintaining high printing quality.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the ejection failure detecting and recovery processing determines the recovery processing for eliminating the cause of the ejection failure of the droplet ejection heads according to the cause of the ejection failure in the case where the ejection failure of the droplet ejection heads is detected as taught by Yamaguchi et al into the device of Hirano as modified by Usui et al and Shinkawa. The motivation for doing so would have been to maintain high printing quality.

Claims 5, 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (U.S. Pat. 5,731,826) as modified by Usui et al (U.S. Pub. 2002/0170353), and Shinkawa (U.S. Pub. 2005/0128232), as applied to claim 1 above, and further in view of Yamaguchi et al (U.S. Pat. 5,379,061).

Hirano as modified by Usui et al, and Shinkawa discloses all the claimed limitations except for the following:

- ***regarding claim 5***, recovery means includes: wiping means for carrying out a wiping process in which a nozzle surface of the droplet ejection heads where the nozzles are arranged is wiped with a wiper; means for carrying out a flushing process by which the droplets are preliminarily ejected through the nozzles of the droplet ejection heads by driving the actuator; pumping means for carrying out a pump-suction process with the use of a pump connected to a cap that covers the nozzle surface of the droplet ejection heads.

- ***regarding claim 6***, select the pump-suction process as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is intrusion of an air bubble into the cavity.

- ***regarding claim 7***, select at least the wiping process as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is adhesion of paper dust in the vicinity of an outlet of the nozzle

Yamaguchi et al discloses:

- ***regarding claim 5***, recovery means includes: wiping means for carrying out a wiping process in which a nozzle surface of the droplet ejection heads where the nozzles are arranged is wiped with a wiper (Column 25, Lines 44 - 67; Column 26, Lines 1 – 10); flushing means for carrying out a flushing process by which the droplets are preliminarily ejected through the nozzles of the droplet ejection heads by driving the actuator (Column 5, Lines 19 – 67; Column 6, Lines 1-7); pumping means for carrying out a pump-suction process with the use of a pump connected to a cap that covers the nozzle surface of the droplet ejection heads (Column 5, Lines 19 – 67; Column 6, Lines 1 - 7), for the purpose of removing any kind of blockage or debris that would effect the quality of printing.

- ***regarding claim 6***, select the pump-suction process as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is intrusion of an air bubble into the cavity (Column 6, Lines 26 – 33), for the purpose of removing air bubbles in the apparatus to maintain high print quality.

- ***regarding claim 7***, select at least the wiping process as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is adhesion of paper dust in the vicinity of an outlet of the nozzle (Column 25, Lines 44 - 67; Column 26, Lines 1 – 10), for the purpose of removing debris to maintain high print quality.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of recovery means includes: wiping

means for carrying out a wiping process in which a nozzle surface of the droplet ejection heads where the nozzles are arranged is wiped with a wiper; means for carrying out a flushing process by which the droplets are preliminarily ejected through the nozzles of the droplet ejection heads by driving the actuator; pumping means for carrying out a pump-suction process with the use of a pump connected to a cap that covers the nozzle surface of the droplet ejection heads; select the pump-suction process as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is intrusion of an air bubble into the cavity; select at least the wiping process as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is adhesion of paper dust in the vicinity of an outlet of the nozzle as taught by Yamaguchi et al into the device of Hirano as modified by Usui et al, Shinkawa, for the purpose of removing any kind of blockage or debris that would affect the quality of printing.

Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (U.S. Pat. 5,731,826) as modified by Usui et al (U.S. Pub. 2002/0170353), Shinkawa (U.S. Pub. 2005/0128232) and Yamaguchi et al (U.S. Pat. 5,379,061), as applied to claim 1 above, and further in view of Fujii (U.S. Pat. 6,299,277)

Hirano as modified by Usui et al, Shinkawa and Yamaguchi et al discloses all of the claimed limitations except for the following:

- ***regarding claim 8***, selects the flushing process or the pump-suction process as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is thickening of the liquid in the vicinity of the nozzle due to drying

- ***regarding claim 9***, selects the flushing process as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is thickening of the liquid in the vicinity of the nozzle due to drying

Fujii discloses the following:

- ***regarding claim 8***, selects the flushing process or the pump-suction process as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is thickening of the liquid in the vicinity of the nozzle due to drying (Column 2, Lines 5 – 27; Column 8, Lines 20 – 50), for the purpose of removing blockage from the nozzle to maintain high print quality.

- ***regarding claim 9***, selects the flushing process as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is thickening of the liquid in the vicinity of the nozzle due to drying (Column 2, Lines 5 – 27; Column 8, Lines 20 – 50), for the purpose of removing blockage from the nozzle to maintain high print quality.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of selects the flushing process or the pump-suction prcess as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is thickening of the liquid In the vicinity of the nozzle due to drying; selects the flushing process as the recovery processing for eliminating the cause of the ejection failure in the case where it is judged that the cause of the ejection failure of the droplet ejection heads is thickening of the liquid In the vicinity of the nozzle due to drying as taught by Fugii into the device of Hirano as modified by Usui et al, Shinkawa, and Yamaguchi et al, for the purpose of removing blockage from the nozzle to maintain high print quality.

Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (U.S. Pat. 5,731,826) as modified by Usui et al (U.S. Pub. 2002/0170353), Shinkawa (U.S. Pub. 2005/0128232) and Yamaguchi et al (U.S. Pat. 5,379,061) and Fujii (U.S. Pat. 6,299,277), as applied to claim 1 above, and further in view of Hayakawa et al (U.S. Pub. 2002/0130918)

Hirano as modified by Usui et al, Shinkawa, and Yamaguchi et al and Fujii discloses all of the claimed limitations except for the following:

- ***regarding claim 10***, wherein the ejection failure detecting and recovery processing determining means selects the pump-suction process as the recovery processing for eliminating the cause of the ejection failure in the case where the ejection

failure is not eliminated even by carrying out the flushing process by the flushing means predetermined times

- ***regarding claim 11***, informing means for informing the fact that the ejection failure has not been eliminated in the case where the ejection failure is not eliminated even by carrying out the pump-suction process by the pumping means predetermined times

Hayakawa et al discloses:

- ***regarding claim 10***, wherein the ejection failure detecting and recovery processing determining means selects the pump-suction process as the recovery processing for eliminating the cause of the ejection failure in the case where the ejection failure is not eliminated even by carrying out the flushing process by the flushing means predetermined times (Paragraph 0009)

- ***regarding claim 11***, informing means for informing the fact that the ejection failure has not been eliminated (Paragraphs 0055 – 0056) in the case where the ejection failure is not eliminated even by carrying out the pump-suction process by the pumping means predetermined times (predetermined clogging checking pattern) (Paragraph 0058)

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Hayakawa et al into the device of Hirano as modified by Usui et al, Shinkawa, and Yamaguchi et al, for the purpose of preventing air bubbles from entering the nozzle openings

Claims 16 - 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (U.S. Pat. 5,731,826) as modified by Usui et al (U.S. Pub. 2002/0170353), Shinkawa (U.S. Pub. 2005/0128232) as applied to claim 1 above, and further in view of Fukano (JP 63-141750)

Hirano as modified by Usui et al, and Shinkawa discloses:

- ***regarding claim 16***, the ejection failure detecting and recovery processing determining means includes an oscillation circuit and the oscillation circuit oscillates in response to an electric capacitance component that varies with the residual vibration of the diaphragm (Shinkawa: Paragraphs 0008, 0118) and wherein the ejection failure detecting and recovery processing determining means includes a resistor element connected to the actuator, and the oscillation circuit forms a CR oscillation circuit based on the electric capacitance component of the actuator and a resistance component of the resistor element (Shinkawa: Paragraphs 0023, 0118)

Hirano as modified by Usui et al, and Shinkawa does not disclose expressly the following:

- ***regarding claim 17***, the ejection failure detecting and recovery processing determining means includes an F/V converting circuit that generates a voltage waveform in response to the residual vibration of the diaphragm from a predetermined group of signals generated based on changes in an oscillation frequency of an output signal from the oscillation circuit.

- ***regarding claim 18***, the ejection failure detecting and recovery processing determining means includes a waveform shaping circuit that shapes the

voltage waveform in response to the residual vibration of the diaphragm generated by the F/V converting circuit into a predetermined waveform.

- ***regarding claim 19***, the waveform shaping circuit includes: DC component eliminating means for eliminating a direct current component from the voltage waveform of the residual vibration of the diaphragm generated by the F/V converting circuit; and a comparator that compares the voltage waveform from which the direct current component thereof has been eliminated by the DC component eliminating means with a predetermined voltage value; and wherein the comparator generates and outputs a rectangular wave based on this voltage comparison.

- ***regarding claim 20***, the ejection failure detecting and recovery processing determining means includes measuring means for measuring the cycle of the residual vibration of the diaphragm based on the rectangular wave generated by the waveform shaping circuit.

- ***regarding claim 21***, the measuring means has a counter, and measures either a time between rising edges of the rectangular wave or a time between a rising edge and falling edge of the rectangular wave by counting pulses of a reference signal with the counter.

Fukano discloses:

- ***regarding claim 17***, the ejection failure detecting and recovery processing determining means includes an F/V converting circuit that generates a voltage waveform in response to the residual vibration of the diaphragm from a predetermined group of signals generated based on changes in an oscillation

frequency of an output signal from the oscillation circuit (Figure 2; Page 7, Lines 3-13), for the purpose of detecting air bubbles in an ink chamber

- ***regarding claim 18***, the ejection failure detecting and recovery processing determining means includes a waveform shaping circuit (capacitor, 10; diode, 11; resistance, 16) (Figure 2; Page 7, Lines 3-13) that shapes the voltage waveform in response to the residual vibration of the diaphragm generated by the F/V converting circuit into a predetermined waveform (Figures 4c, 5c), for the purpose of detecting air bubbles in an ink chamber

- ***regarding claim 19***, the waveform shaping circuit includes: DC component eliminating means for eliminating a direct current component from the voltage waveform of the residual vibration of the diaphragm generated by the F/V converting circuit (Page 7, Lines 7-10); and a comparator (Page 8, Line 20 – Page 9, Line 5) that compares the voltage waveform from which the direct current component thereof has been eliminated by the DC component eliminating means with a predetermined voltage value; and wherein the comparator generates and outputs a rectangular wave (Figure 4d, 5d) based on this voltage comparison, for the purpose of detecting air bubbles in an ink chamber

- ***regarding claim 20***, the ejection failure detecting and recovery processing determining means (Figure 1; Page 5, Lines 14-16) includes measuring means for measuring the cycle of the residual vibration of the diaphragm based on the rectangular wave generated by the waveform shaping circuit (Page 6, Line 20 – Page 7, Line 2), for the purpose of comparing waveforms to detect ejection failure.

- ***regarding claim 21***, the measuring means has a counter, and measures either a time between rising edges of the rectangular wave or a time between a rising edge and falling edge of the rectangular wave by counting pulses of a reference signal with the counter (since has implied measuring means, must have a way to count a time period associated with the waveform [Page , Lines 2-6] to compare T_2 to normal), for the purpose of comparing waveforms to detect ejection failure

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Fukano into the device of Hirano as modified by Usui et al, and Shinkawa, for the purpose of comparing waveforms to detect ejection failure and detecting air bubbles in an ink chamber.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (U.S. Pat. 5,731,826) as modified by Usui et al (U.S. Pub. 2002/0170353), and Shinkawa (U.S. Pub. 2005/0128232), as applied to claim 1 above, and further in view of Nojima et al (U.S. Pat. 6,168,263)

Hirano as modified by Usui et al, and Shinkawa discloses all the claimed limitations except for the following:

- ***regarding claim 22***, the actuator includes an electrostatic actuator

Nojima et al discloses:

- ***regarding claim 22***, the actuator includes an electrostatic actuator (111)

(Column 1, Lines 15 - 20), for the purpose of generating pressure to eject ink droplets.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the actuator includes an electrostatic actuator as taught by Sakai et al into the device of Hirano as modified by Usui et al, and Shinkawa, for the purpose of generating pressure to eject ink droplets

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (U.S. Pat. 5,731,826) as modified by Usui et al (U.S. Pub. 2002/0170353), and Shinkawa (U.S. Pub. 2005/0128232), as applied to claim 1 above, and further in view of Izumida et al (U.S. Pat. 5,371,528)

Hirano as modified by Usui et al, and Shinkawa discloses all the claimed limitations except for the following:

- ***regarding claim 24***, actuator includes a film boiling actuator provided with a heating element that generates heat when and electric current flows therethrough

Izumida et al discloses:

- ***regarding claim 24***, actuator includes a film boiling actuator provided with a heating element that generates heat when and electric current flows therethrough (Column 9, Lines 65 – 67; Column 10, Lines 1 – 15), for the purpose of efficiently ejecting ink droplets.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of actuator includes a film boiling actuator provided with a heating element that generates heat when and electric current

flows there through as taught by Izumida et al into the device of Hirano as modified by Usui et al, and Shinkawa, for the purpose of efficiently ejecting ink droplets.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (U.S. Pat. 5,731,826) as modified by Usui et al (U.S. Pub. 2002/0170353), and Shinkawa (U.S. Pub. 2005/0128232), and of Izumida et al (U.S. Pat. 5,371,528), as applied to claim 1 above, and further in view of Hotomi et al (U.S. Pat. 6,145,966)

Hirano as modified by Usui et al, Shinkawa and Izumida et al discloses all the claimed limitations except for the following:

- ***regarding claim 25***, the diaphragm deforms elastically so as to follow a change in the internal pressure of the cavity

Hotomi et al discloses:

- ***regarding claim 25***, the diaphragm deforms elastically so as to follow a change in the internal pressure of the cavity (Column 1, Lines 38 – 50), for the purpose of having a stable ejection characteristic of the droplet ejection apparatus.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of the diaphragm deforms elastically so as to follow a change in the internal pressure of the cavity as taught by Hotomi et al into the device of Hirano as modified by Usui et al, Shinkawa and Izumida et al, for the purpose of providing a stable ejection characteristic of the droplet ejection apparatus.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (U.S. Pat. 5,731,826) as modified by Usui et al (U.S. Pub. 2002/0170353), and Shinkawa (U.S. Pub. 2005/0128232), as applied to claim 1 above, and further in view of Kono et al (U.S. Pat. 6,322,190)

Hirano as modified by Usui et al, and Shinkawa discloses all the claimed limitations except for the following:

- ***regarding claim 26***, storage means for storing a cause of the ejection failure of the droplets detected by the ejection failure detecting and recovery processing determining means in association with the droplet ejection head for which the detection was carried out

Kono et al discloses:

- ***regarding claim 26***, storage means for storing a cause of the ejection failure of the droplets detected by the ejection failure detecting and recovery processing determining means in association with the droplet ejection head for which the detection was carried out (Column 2, Lines 24 – 31; Column 4, Lines 49 – 52; Column 5, Lines 5 – 11), for the purpose of detecting ejection failure.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of storage means for storing a cause of the ejection failure of the droplets detected by the ejection failure detecting and recovery processing determining means in association with the droplet ejection head for which the detection was carried out as taught by Kono et al into the device of Hirano as modified by Usui et al, and Shinkawa, for the purpose of detecting an ejection failure.

Claims 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (U.S. Pat. 5,731,826) in view of Shinkawa (U.S. Pub. 2005/0128232)

Hirano discloses:

- ***regarding claims 28, 29***, droplet ejection apparatus having a driving circuit (54) (Column 19, Lines 3 – 7; 21 – 30) and a plurality of droplet ejection heads (Column 5, Lines 33 – 37)
- droplet ejection heads include a cavity (323d) filled with a liquid, a nozzle (323c) communicated with the cavity (Figures 6, 16A, 16B)
- ejection failure detecting and recovery processing determining means which detects a residual vibration of the diaphragm at least when the apparatus is powered on (Column 3, Lines 20 – 30; Column 7, Lines 32 – 40)
- recovery means for carrying out the recovery processing determined by the ejection failure detecting and recovery processing determining means (Column 10, Lines 60 – 67; Column 24, Lines 1 - 7)

Hirano does not disclose expressly the following:

- ***regarding claim 28***, the ejection failure detecting and recovery processing determining means includes an oscillation circuit and the oscillation circuit oscillates in response to an electric capacitance component that varies with the residual vibration of the diaphragm
- ***regarding claim 29***, the ejection failure detecting and recovery processing determining means includes an oscillation circuit and the oscillation circuit

oscillates in response to an electric capacitance component of the actuator that varies with the residual vibration of the diaphragm

Shinkawa discloses:

- ***regarding claim 28***, the ejection failure detecting and recovery processing determining means includes an oscillation circuit and the oscillation circuit oscillates in response to an electric capacitance component that varies with the residual vibration of the diaphragm (Paragraphs 0008, 0118), for the purpose of judging an ejection failure in droplet ejection heads.

- ***regarding claim 29***, the ejection failure detecting and recovery processing determining means includes an oscillation circuit and the oscillation circuit oscillates in response to an electric capacitance component of the actuator that varies with the residual vibration of the diaphragm (Paragraphs 0023, 0118), for the purpose of judging an ejection failure in droplet ejection heads.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Shinkawa into the device of Hirano, for the purpose of judging an ejection failure in droplet ejection heads.

Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSU
September 13, 2006

msu 9/18/06
MANISH S. SHAH
PRIMARY EXAMINER